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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,000	09/02/2003	Yasuhiko Inaba	520.43091X00	1418

24956 7590 03/24/2006

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EXAMINER

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ART UNIT	PAPER NUMBER
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2166

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/652,000	Applicant(s) INABA ET AL.	
	Examiner Srirama Channavajjala	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Drawings

2. The Drawings filed on 9/02/2003 are acceptable for examination purpose.

Information Disclosure Statement

3. The information disclosure statement filed on 9/02/2003 is NOT in compliance with the provisions of 37 CFR 1.97, and has NOT been considered because "PRIOR ART REFERENCES" must be listed in PTO-1449 for further consideration

Priority

4. Acknowledgment is made of applicant's claim for foreign priority based on Application SI.No 2002-256802 filed on 02 September 2002 under 35 U.S.C. 119(a)-(d), the certified copy has been filed in the Application No. 10/652,000, filed on 9/02/2003.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. ***Claims 19-20 are rejected under 35 U.S.C. 101 because invention is directed to non-statutory subject matter.***

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6. Regarding independent claim 19: Claim 19 employ " A computer program executed in an information delivery system for delivering document information which ...computer program comprising the steps of:

'storing the delivered documents'

'if a request to change.....

.....

.....

....condition'.

is directed to "non-statutory" subject matter because it appears that claim 19 is merely software routines manipulation of an abstract idea , ***fails to constitute to practical application of an abstract idea, because these steps are not on a "computer readable storage medium"***, falls short of concrete or tangible result.

Claim 20 is dependent from claim 19 is also rejected as detailed above.

REMARKS:

One technique for satisfying the requirements of 35 USC 101 is to claim software code or instructions residing in memory [i.e. hardware] or computer readable medium, wherein that code produces a tangible result

Also see 35 USC 101 Interim Guidelines
"http://www.uspto.gov/web/offices/pac/dapp/ogsheet.html "

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. ***Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukushige et al. [hereafter Fukushige], US patent No. 6704905 filed on Dec 28,2001 and published on Mar 9, 2004.***

9. As to claim 1, Fukushige teaches a system which including 'an information delivery method for delivering document information that fulfill a previously set delivery condition' [col 10, line 32-36, fig 1, fig 7], Fukushige directed to user interface where user can issue or select various desired conditions using dialog box for required document information based on the user query as detailed in fig 1, fig 7;

'storing said delivered document information' [fig 1, col 7, line 38-47];

'if an evaluation that said delivered document information is unfit to said delivered condition is received [col 3, line 35-37, col 10, line 38-41, 50-61], extracting characteristic strings from the evaluated document information' [col 3, line 38-40, col 10, line 64-67, col 11, line 1-3], Fukushige specifically teaches evaluating the documents for

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example using user interface as detailed in fig 7, further Fukushige also teaches document selection criteria keyword[s] are part of evaluating documents;

‘by using the extracted characteristic character strings, retrieving a document similar to the document evaluated as unfit from the stored documents’ [col 11, line 33-48, fig 7], Fukushige specifically teaches both evaluation of documents using dialog box, and unevaluated documents [see fig 7], based on search with keywords corresponds to using the extracted characteristic character string.

10. As to claim 2, Fukushinge disclosed ‘wherein the retrieval is done for the documents excluding the documents evaluated as unfit by a user to which said documents were delivered among the stored document information’ [col 12, line 54-61].

11. As to claim 3, Fukushinge disclosed ‘wherein the retrieval is done for the documents evaluated as fit by a user to which said documents were delivered among the stored document information’ [col 13, line 22-30].

12. As to claim 4, Fukushinge disclosed ‘calculating the degree of similarity between the retrieved document information and the evaluated document information’ [col 8, line 35-50], Fukushinge specifically teaches calculating a degree of similarity, and evaluating documents for example calculating distance between each feature vector and the reference vector for a documents as detailed in col 8, line 35-50.

‘if the degree of similarity is higher than a predetermined value, presenting the

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retrieved document' [col 9, line 29-42], Fukushinge specifically teaches assigning threshold value or setting threshold value for example degree of similarity between documents equal or smaller or higher than the threshold value in order to retrieve documents that satisfy the predetermined value as detailed in col 9, line 29-42.

13. As to claim 5, 17, Fukushinge disclosed 'extracting characteristic character strings from the retrieved document whose degree of similarity is higher than the predetermined value' [col 9, line 31-36];

'presenting these extracted characteristic character strings and the characteristic character strings extracted from the evaluated documents' [col 10, line 10-22,50-55], Fukushinge specifically teaches degree of similarity based on vector space, further vector space where each document is expressed as point in an M-dimensional vectors corresponds to the number of words [character string] [see col 6, line 32-49];

'presenting information based on the presented characteristic character strings to help decide whether or not to accept that the documents whose degree of similarity is higher than the predetermined value will not be delivered' [col 13, line 60-67, col 14, col 1, line 1-2].

14. As to claim 6, 18, Fukushinge disclosed 'wherein said delivery condition includes an unfitness profile, which is a condition under which a document unfit for delivery is retrieved [see fig 7], Fukushinge specifically teaches user interface including selection criteria conditions for unevaluated, evaluated and all documents;

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'if information indicating that it is accepted that said document whose degree of similarity is higher than the predetermined value will not be delivered is received, [col 13, line 60-67, col 14, col 1, line 1-2 adding the characteristic character strings included in said document and the characteristic character strings included in the evaluated document to the unfitness profile [col 14, line 3-10];

'if information indicating that it is not accepted that said document whose degree of similarity is higher than the predetermined value will not be delivered is received, adding the characteristic character strings not included in said document but included in the evaluated document to the unfitness profile' [col 14, line 28-37].

15. As to claim 7, 19, Fukushinge teaches a system which including 'information delivery method for delivering document information to a user which fulfill a delivery condition set previously by the user' [col 3, line 35-40], Fukushinge specifically teaches user interface for user specific selection of documents based on conditions as detailed in col 3, line 35-40, fig 1;

'storing the delivered documents' [col 6, line 35-40], Fukushinge teaches storing sample documents as detailed in fig 1;

'if a request to change the delivery condition is received, changing the delivery condition according to the change request' [col 10, line 32-36, fig 7], Fukushinge specifically teaches user issues evaluation of document selection conditions as detailed in fig 7;

'searching the stored documents according to the changed delivery condition' [col 16, line 50-55], Fukushinge teaches search schemes that including searching documents based on degree of similarity to a seed document;

'of the searched documents, presenting a document that does not fulfill the changed delivery condition' [col 17, line 12-18], Fukushinge suggests unevaluated CDOM value related documents corresponds to document that does not fulfill the changed delivery condition;

16. As to claim 8, 14, 20, Fukushinge disclosed 'presenting information to help decide whether or not to accept that the presented document will not be delivered [col 13, line 60-67, col 14, col 1, line 1-2]; 'if it is accepted that the presented document will not be delivered, storing the new delivery condition set according to said change request' col 13, line 31-33]; 'if it is not accepted that the presented document will not be delivered, canceling the change of the delivery condition according to said change request' [col 13, line 34-41].

17. As to claim 9, Fukushinge teaches a system which including 'information delivery method for delivering documents to a user which fulfill a delivery condition set previously by the user' [col 10, line 32-36, fig 1, fig 7], Fukushige directed to user interface where user can issue or select various desired conditions using dialog box for required document information based on the user query as detailed in fig 1, fig 7;

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'judging whether a document fulfills the present delivery condition' [col 11, line 40-44], if it is judged that the document fulfills the present delivery condition, transmitting the document to the user who has set said present delivery condition' [col 7, line 43-47, col 10, line 38-41];

'if said present delivery condition is set by changing said previously set delivery condition, retrieving documents which fulfill the previously set delivery condition' [col 10, line 50-63]; and of the retrieved documents which fulfill said previously set delivery condition [col 11, line 1-9], transmitting to the user a document that has not been delivered to the user' [col 7, line 43-47, col 12, line 54-61].

18. As to claim 10, Fukushinge disclosed 'transmitting to the user who has set said present delivery condition the documents that are not delivered to the user [col 7, line 43-47, col 12, line 54-61], among the documents which fulfill said present delivery condition' [col 13, line 1-7].

19. As to claim 11, Fukushinge disclosed 'presenting the documents that fulfill said present delivery condition and the documents that fulfill said previously set delivery condition to the user who has set said delivery condition' [col 14, line 28-37].

20. As to claim 12, Fukushige disclosed 'said delivery condition includes a fitness profile, which is a condition under which a document fit for delivery is retrieved [col 9, line 31-36, fig 6]; 'and an unfitness profile, which is a condition under which a document unfit for delivery is retrieved' [col 10, line 50-53]; to retrieve a document which fulfills said present delivery condition, the fitness profile included in said present delivery condition is used' [col 14, line 28-37].

21. As to claim 13, Fukushige disclosed 'wherein to retrieve a document that fulfills said previously set delivery condition, the fitness profile and unfitness profile included in said previously set delivery condition are used' [col 10, line 32-36, fig 7].

22. As to claim 15, Fukushige teaches a system which including 'an information delivery method for delivering document information that fulfill a previously set delivery condition' [col 10, line 32-36, fig 1, fig 7], Fukushige directed to user interface where user can issue or select various desired conditions using dialog box for required document information based on the user query as detailed in fig 1, fig 7;

'storage means for storing said delivered document information' [fig 1, col 7, line 38-47];

'extracting means for extracting characteristic character strings from the evaluated document information if an evaluation that said delivered document information is unfit to said delivery condition is received' [col 3, line 38-40, col 10, line 38-41, 50-61, line 64-67, col 11, line 1-3], Fukushige specifically teaches evaluating the

documents for example using user interface as detailed in fig 7, further Fukushima also teaches document selection criteria keyword[s] are part of evaluating documents

'retrieval means for retrieving a document similar to the document evaluated as unfit from the documents stored in said storage means by using the characteristic character strings extracted by said extracting means' [col 11, line 33-48, fig 7], Fukushima specifically teaches both evaluation of documents using dialog box, and unevaluated documents [see fig 7], based on search with keywords corresponds to using the extracted characteristic character string;

'presentation means for presenting the document extracted by said retrieval means and the evaluated document' [col 10, line 32-36].

23. As to claim 16, Fukushima disclosed 'calculation means for calculating the degree of similarity between the retrieved document information and the evaluated document information , [col 8, line 35-50], Fukushima specifically teaches calculating a degree of similarity, and evaluating documents for example calculating distance between each feature vector and the reference vector for a documents as detailed in col 8, line 35-50; wherein said presentation means presents the retrieved document if the degree of similarity is higher than a predetermined value' [col 9, line 29-42], Fukushima specifically teaches assigning threshold value or setting threshold value for example degree of similarity between documents equal or smaller or higher than the threshold value in order to retrieve documents that satisfy the predetermined value as detailed in col 9, line 29-42.

Conclusion

The prior art made of record

a. US Patent No. 6704905

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, T, can be reached on (571) 272-3978. The fax phone numbers for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

SC
Patent Examiner.
March 7, 2006.

SRI RAMA CHANNAVAJJALA
PRIMARY EXAMINER